

REMARKS

At Item 2 of the Official Action, claims 8, 10, and 11 were rejected for indefiniteness. That rejection is respectfully traversed, for the following reasons.

The Examiner questioned how an angular range of 45-85 degrees could be characterized as being "more nearly vertical" given that its lowermost value is equally horizontal and vertical; and, similarly, how an angular range of 15-60 degrees could be characterized as "more nearly horizontal", when the 45-60 degree portion of that range is oriented more vertically than horizontally.

The answer is simply that the phrases in question are describing the recited first and second sections of the dispenser body relative to one another. That is, the first section of the dispenser body forms an angle that is more nearly vertical than the second section, and, correspondingly, the second section forms an angle that is more nearly horizontal than the first section.

It is believed that the language of the independent claim 1 is sufficiently clear on this point, such that dependent claims 8, 10, and 11 are likewise suitably definite. That is, the relative nature of the recited angular orientations of the two sections is sufficiently clearly implied in the claims.

It is also clear from the specification that this is how the claims are to be read. See the discussion in the last full paragraph on page 7 of the specification in reference to Fig. 2, and see especially the paragraph bridging pages 7 and 8 of the specification.

From the above discussion, therefore, it is believed that claims 8, 10, and 11 are suitably definite, and it is respectfully requested that the indefiniteness rejection of those claims be withdrawn.

At item 4 of the Official Action, claims 1-6, 8-11, and 13 were rejected under 35 USC §103(a) as allegedly being unpatentable based on PETTERSON et al., U.S. Patent No. 5,100,020, in view of SWIFT, U.S. Patent No. 1,151,064. That rejection is also respectfully traversed, for the following reasons.

The Official Action contends that it would have been obvious to modify the "angled body" of PETTERSON et al. for one having two sections, as in SWIFT.

However, applicants respectfully disagree with the proposition that PETTERSON et al. describes an angled body in the first instance. Instead, PETTERSON et al. describes a body which is continuously curved about a radius of curvature R , which is designed in relation to the natural radius of curvature R that a

stack of the PETTERSON napkins will assume. See, for example, column 3, lines 53-57, and Figs. 2 and 4 of PETTERSON.

Thus, the PETTERSON et al. dispenser is designed to accommodate a particular type of napkin stack, namely, one in which the non-uniform thickness of the napkins causes the stack to have a natural repose that extends in an arcuate shape.

To replace the arcuate dispenser body of PETTERSON et al. with an angled one as in SWIFT, therefore, would be contrary to the teaching of the primary reference.

For its part, SWIFT describes a paper cup dispenser, in which the angled configuration is provided for reasons specific to dispensing a stack of paper cups. In particular, the vertical section of the SWIFT dispenser is deliberately dimensioned so as to be shallower than the diameter of the paper cups, such that the paper cups in the vertical section are oriented at an angle similar to that of the lower angled section of the SWIFT dispenser. The discussion at page 2, lines 49-68 of SWIFT reveals the rationale for this arrangement, which rationale has no apparent applicability to the arcuate napkin stack of PETTERSON et al.

Thus, were the hypothetical skilled artisan to have considered PETTERSON et al. and SWIFT together, it is believed to be apparent that there would have been no motivation to modify PETTERSON et al. in view of SWIFT in the manner proposed in the

Official Action, in view of the disparate and incompatible purposes for which the respective structures of the references are provided.

It is accordingly believed that the proposed combination of PETERSON et al. in view of SWIFT fails to make out a *prima facie* case of obviousness as against any of claims 1-6, 8-11, and 13.

At items 5-8 of the Official Action, the remaining dependent claims were rejected based on the same combination of PETERSON et al. in view of SWIFT discussed above, and further in view of various secondary references. While the various secondary references relied upon at items 5-8 of the Official Action may teach the particular features for which they were cited, none is seen to bring the more basic combination of PETERSON et al. in view of SWIFT closer to the invention as recited in the sole independent claim 1, for the reasons given above. It is therefore believed that each of claims 7, 12, and 14-16 is patentable relative to the applied prior art, for at least the reasons that claim 1 is believed to be in condition for allowance, as discussed above.


In view of the present response and the foregoing remarks, therefore, it is believed that this application is in condition for allowance, with claims 1-16 as originally filed.

Allowance and passage to issue on that basis are accordingly respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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